

United States Court of Appeals

Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk

In Replying Give Number
Of Case and Names of Parties

November 22, 2010

VIA FACSIMILE

TO ALL COUNSEL OF RECORD

Re: No. 08-15444 - Warren Lee Hill, Jr. v. Derrick Schofield

Dear Counsel:

For the purposes of the upcoming en banc rehearing in the above-referenced case, the court desires for counsel to focus their briefs on the following issue:

Pursuant to AEDPA's § 2254(d)(1), is the Georgia Supreme Court's decision in *Head v. Hill*, 587 S.E.2d 613, 620-22 (Ga. 2003) - that Georgia's statutory reasonable doubt standard for capital defendants' mental retardation claims does not violate the Eighth Amendment - contrary to clearly established federal law, as announced in *Atkins v. Virginia*, 536 U.S. 304, 122 S.Ct. 2242 (2002)?

Appellant's en banc brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Wednesday, December 22, 2010. Appellee's en banc brief shall be filed in the Clerk's Office in Atlanta by 5:00 p.m., Friday, January 21, 2011. Any en banc reply brief by the Appellant must be filed in the Clerk's Office in Atlanta by 5:00 p.m., Monday, January 31, 2011. NO EXTENSIONS WILL BE GRANTED. An original and 18 copies of the en banc briefs should be filed (appellant's in blue covers, appellee's in red covers and any reply in gray covers). The parties are expected to insure that all other parties receive a copy of their briefs before the close of business on the day of filing (facsimile, e-mail, etc.). NO TIME FOR MAILING SHALL BE ALLOWED. The filing of an en banc amicus briefs is governed by 11th Cir. R. 35-8. All parties are also required to upload the brief in electronic format to the court's Web site as described in 11th Cir. R. 31-5.

All counsel are requested to file 16 copies of their original opening panel briefs, record excerpts and supplemental authorities prior to 5:00 p.m., Wednesday, December 22, 2010.

Oral argument will be conducted during the week of February 14, 2011, in Atlanta, Georgia. Each party will be allotted 15 minutes per side for oral argument. Counsel will receive subsequent correspondence regarding the specific date and time of oral argument.

Thank you for your attention.

Sincerely,

JOHN LEY, Clerk

By: _____
Joyce Pope
Calendar Clerk/Court Sessions Supervisor
404.335.6131

Brian S. Kammer (FAX 404-222-9212)
Beth Attaway Burton (FAX 404-651-6459)
Clerk, U.S. District Court (MGA - Albany, GA)
Hon. W. Louis Sands